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Security Council

Seventy-first year

Provisional

7691st meeting
Thursday, 12 May 2016, 10 a.m.
New York

President:	Mr. Aboulatta	(Egypt)
Members:	Angola	Mr. Lucas
	China	Mr. Xu Zhongsheng
	France	Mr. Bertoux
	Japan	Mr. Okamura
	Malaysia	Mr. Ibrahim
	New Zealand	Mr. Taula
	Russian Federation	Mr. Iliichev
	Senegal	Mr. Seck
	Spain	Mr. González de Linares Palou
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Mr. Pressman
	Uruguay	Mr. Rosselli
	Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

Reports of the Secretary-General on the Sudan and South Sudan

Report of the Secretary-General on the situation in Abyei (S/2016/353)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan and South Sudan

Report of the Secretary-General on the situation in Abyei (S/2016/353)

The President (*spoke in Arabic*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Sudan to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2016/435, which contains the text of a draft resolution submitted by the United States of America.

I wish to draw the attention of Council members to document S/2016/353, which contains the report of the Secretary-General on the situation in Abyei.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Angola, China, Egypt, France, Japan, Malaysia, New Zealand, Russian Federation, Senegal, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela (Bolivarian Republic of)

The President (*spoke in Arabic*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2287 (2016).

I now give the floor to those members of the Council who wish to make statements after the vote.

Mr. Ilichev (Russian Federation) (*spoke in Russian*): The Russian delegation voted in favour of resolution 2287 (2016), given the importance of maintaining consensus in the Council on the issue of an Abyei settlement and of pursuing the activities of the United Nations Interim Security Force for Abyei in upholding peace and stability in that region.

At the same time, we cannot support the impulse driving several delegations to raise ad infinitum the issue of appointing a civilian head of the peacekeeping mission, as reflected in the twenty-seventh preambular paragraph of the resolution. The Government of the Sudan does not agree to such an appointment and its views cannot be ignored. Even the very name of mission in Abyei speaks against appointing a civilian head. We recall that basic peacekeeping principles require United Nations peacekeeping operations be deployed with the consent of the parties to the conflict. That requires the assent of all interested parties, including the Sudan, to any change in the mission's leadership, especially as in this case it falls under Chapter VI of the Charter of the United Nations.

The President (*spoke in Arabic*): I give the floor to the representative of the Sudan.

Mr. Mohamed (Sudan) (*spoke in Arabic*): I should like at the outset to take this opportunity to congratulate you, Sir, and the friendly country of Egypt on your assumption of the presidency of the Council for this month. We wish you every success.

I also thank your predecessor, the Permanent Representative of China, for his effective and wise leadership of the Council last month.

Today the Security Council adopted resolution 2287 (2016), extending the mandate of the United Nations Interim Security Force for Abyei (UNISFA) for six months. We value the positive role played by UNISFA since its establishment. Its efforts have complemented those of the Government and the community, and we have begun to see the fruits of the establishment of security and stability in the peaceful coexistence and progress made between the Ngok Dinka and the Misseriya. The efforts of the Sudanese oversight committee have also borne fruit, as the Misseriya herding tribes have been able to gain access, without friction or conflict, to areas that had been inaccesible to them for five years. These movements of the Misseriya herding tribes follow their traditional routes through the Abyei Area, in accordance with the 1956 borders, in search of grass and water in the dry season. This access is provided for in the Abyei Protocol and the Agreement of 20 June 2011, in particular paragraph 39, as follows:

> "[P]astoral nomads shall enjoy rights of migration and access to pasture and water in accordance with traditional migration routes in the Abyei Area."

The Government of the Sudan seeks to establish civility in Abyei, and is therefore committed to all agreements signed with South Sudan, including the Comprehensive Peace Agreement that led to the foundation of the Republic of South Sudan, as well as the 2005 Abyei Protocol and, most recently, the Agreement of 20 June 2011, which established the Abyei Joint Oversight Committee. The Committee has yet to be operationalized due to the fact that the institutions provided for in the Agreement — the legislative council, the executive council and the police — do not yet exist. Moreover, the Committee has not met on a regular basis because of the endless excuses and delays put forward by South Sudan and its failure to participate.

I commend the efforts of the African Union facilitator of the Committee in his recent communications calling for a meeting on 4 May. The meeting did not take place because the delegation of South Sudan demurred, although it did request a meeting for 10 May, which it also failed to attend. The most recent meeting of the Committee was held in March 2015. We therefore call on our brothers in the Government of South Sudan, following the establishment of the Transitional Government of National Unity there, to engage seriously with the Sudanese Government and the African Union in expeditiously establishing the institutions of Abyei provided for in the Agreement of 20 June 2011. That would help us to identify the final status of Abyei, which remains the sole prerogative of the Presidents of the Sudan and South Sudan, in accordance with the signed agreements.

Until that time, we reaffirm that Abyei is Sudanese territory and that the Republic of the Sudan enjoys full sovereignty over Abyei, in accordance with the provisions of international law and the decision of the Permanent Court of Arbitration in The Hague, and as stipulated in the Comprehensive Peace Agreement and the 2005 Abyei Protocol. That status can be amended only by referendum mutually agreed with the Government of South Sudan. That is also true for any other measure to which both parties must consent.

As the UNISFA mandate has been extended for six months, I should like to reassure the Council that the Government of the Sudan will cooperate with the Interim Force in discharging its obligations. That has been the Government of the Sudan's consistent approach since the Force was established and will help to achieve peace, security and stability in Abyei. It is also important for UNISFA to adhere to its mandate under resolution 1990 (2011), whereby it was established. That will create an environment conducive to achieving the desired goals. I should therefore like to refer to certain paragraphs of resolution 2287 (2016) that contradict the mandate.

First, the twenty-seventh preambular paragraph refers to the appointment of a civilian head of mission. That runs counter to the nature of the Force and its mandate, as well as to the letter and spirit of the Agreement of 20 June 2011, which stipulates that any change in UNISFA must be approved by the three signatories: the Republic of the Sudan, the Republic of South Sudan and Ethiopia. We have forwarded the outcome of our communications with Ethiopia in that regard in a letter from the Minister for Foreign Affairs of the Sudan to the Secretary-General dated 25 October 2015. The letter communicates a crystal-clear message that no provision of the Agreement can be amended without the consent of the three parties, as clearly stated in the Agreement.

Secondly, I refer to those provisions of the resolution referring to the establishment of the Abyei Police Service. That would run counter to every agreement signed since 2005, most recently the Agreement of 20 June 2011, because such institutions can be created only by the Abyei Joint Oversight Committee and by no other entity. Since such a police service does not exist, we find it necessary to protect our oil facilities, which, Council members will recall, were the target of an attack that destroyed all the oil-producing infrastructure in Heglig.

Fortunately, the two countries have undertaken no unilateral action, generally speaking, or measures on the final status of Abyei, with the exception of one unilateral referendum in 2013 that was rejected by the Security Council. The final settlement that we desire remains pending. Until then, Abyei will remain an integral part of the Sudan and all its citizens will remain Sudanese citizens, with all the rights enjoyed by Sudanese citizens, including the rights to vote and to stand for election. We therefore hope that the Secretariat and relevant departments will support the Security Council by adopting a positive stance in that regard.

The meeting rose at 10.20 a.m.